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December 10, 2003

Ms. Cynthia Walker
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Re: AT&T Communications of California, Inc.'s Comments on December 4, 2003 Loop and Transport Workshop

Dear Ms. Walker:

This letter comprises AT&T Communications of California, Inc.'s brief, separate comments on the December 4, 2003 loop and transport workshop.

The FCC made a nationwide finding that CLECs are impaired without access to high capacity loops (DS-1, DS-3 and dark fiber) and dedicated transport. *Triennial Review Order ("TRO")*, ¶ 202. The only way the Commission can change that finding is if it finds, on a loop-by-loop, transport route-by-transport route basis, there is evidence in the record to support a finding of non-impairment.

The evidence and testimony submitted by SBC and Verizon on November 10, 2003 does not provide a basis from which the Commission can make a finding of non-impairment for any high capacity loop or transport route in California. All of the parties in the workshop agreed, in fact, that SBC's and Verizon's testimony consists largely of *assumptions* – not actual data – regarding high capacity loops and transport routes.

If the Commission wishes to follow the current schedule for this proceeding, then the ILECs cannot be permitted to supplement their November 10 filings. To allow them to do so would significantly prejudice AT&T's and other CLECs' ability to prepare reply testimony by December 30.

If, however, the Commission does wish to allow SBC and Verizon to supplement their filings, then AT&T respectfully suggests that it do so only under the following conditions:

1. The supplemental filings should be limited to providing direct evidence relating to the loops and transport routes already identified by SBC and

Verizon on November 10. The ILECs should not be allowed to expand the scope of this proceeding beyond the more than 1000 such loops and transport routes that the Commission and the parties already must individually address.

2. Likewise, the Commission should prohibit either SBC or Verizon from putting on evidence of a "potential deployment" case at this point. As the service providers of record for every loop and transport route they identified, the ILECs already had available to them all of the economic evidence required to make such a case in their initial filings. Neither did so. They should not be given a second bite at the apple, particularly in light of the already substantial effort that will be required to examine triggers only for the more than 1000 loops and transport routes identified by SBC and Verizon.

3. The schedule must be adjusted to provide the CLECs with sufficient time from the date supplemental filings are made by the ILECs to analyze the data provided by the ILECs and prepare replies. In determining how much time is required, the Commission should bear in mind that this will require CLECs to analyze data for more than 1000 loops and transport routes even if the ILECs do not expand this case. At a minimum, the CLECs should have the 40 days we would have otherwise had if the ILECs had filed their complete case on time as required by the October 8, 2003 Ruling on Scope and Schedule for this proceeding.

Sincerely,

/s/

Clay Deanhardt
Senior Attorney